

Ordinance No. 13-2020

Ordinance approving, continuing and modifying the Proclamation Declaring a Local State of Disaster signed on March 19, 2020, by Mayor Stephen Santellana, and declaring an emergency

WHEREAS, as a result of the COVID-19 pandemic, the City of Wichita Falls is currently facing exposure of its citizens to this deadly virus, as well as tremendous economic losses; and,

WHEREAS, on March 19, 2020, Mayor Stephen Santellana signed a Proclamation Declaring a Local State of Disaster due to this health emergency; and,

WHEREAS, the City of Wichita Falls has had five positive cases of the virus at the time of the drafting of this ordinance; and,

WHEREAS, this modified Disaster Proclamation, if signed by the Local Health Authority, is intended to constitute a Control Measure Order, as authorized by Texas Health and Safety Code Chapter 81.


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. Pursuant to Section 418.108 of the Texas Government Code, the City Council hereby approves the Proclamation of Disaster as executed by Mayor Stephen Santellana on March 19, 2020, and hereby adopts an amended Proclamation of Disaster, herein attached as **Exhibit A**.
2. The Mayor's Proclamation of Disaster, issued on March 19, 2020, continues in effect until March 25, 2020 at 11:59 p.m., at which time the amended Declaration of Local State of Disaster and Control Measure Order will control. Pursuant to Section 418.108(b) of the Texas Disaster Act, the local state of disaster due to this health emergency issued in this Proclamation shall continue until 1:00 p.m. on April 8, 2020, unless modified or rescinded.
3. This ordinance is passed as an emergency measure and shall become effective immediately upon its passage.

PASSED AND APPROVED this the 25th day of March, 2020.


MAYOR

ATTEST:


City Clerk



CITY OF WICHITA FALLS, TEXAS

AMENDED PROCLAMATION DECLARING A LOCAL STATE OF DISASTER BY THE CITY OF WICHITA FALLS MARCH 25, 2020

BE IT REMEMBERED:

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and outcomes have ranged from mild to severe illness and in some cases death; and,

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and,

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and,

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declared a state of disaster for all counties in Texas; and,

WHEREAS, over 44,183 cases of COVID-19 have been reported in the United States, including 544 deaths; and,

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and,

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and,

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease and mitigate the risk to, and promote the health and safety of, the residents of the City of Wichita Falls; and,

WHEREAS, unless the actions as hereby provided are immediately initiated, avoidable serious illness and deaths could occur.

WHEREAS, the Mayor of Wichita Falls, on March 19, 2020, issued a Proclamation Declaring a Local State of Disaster and said Proclamation is set to expire on March 26, 2020.

NOW, THEREFORE, by virtue of the authority vested in the City Council of Wichita Falls, as the governing body of the City of Wichita Falls, a home-rule city, municipal corporation, body politic and political subdivision of the State of Texas situated in Wichita County, Texas, and pursuant to Section 418.108 of the Texas Government Code (Texas Disaster Act), and Chapters 81 and 122 of the Texas Health & Safety Code,

BE IT PROCLAIMED BY THE CITY OF WICHITA FALLS:

Section 1. Declaration of Local State of Disaster. A local state of disaster due to this health emergency as declared by the Mayor of the City of Wichita Falls, pursuant to Section 418.108 of the Texas Disaster Act, is hereby continued as herein modified.

Section 2. Duration of Local State of Disaster. The Mayor's Proclamation of Disaster, issued on March 19, 2020, continues in effect until March 25, 2020 at 11:59 p.m., at which time this amended Declaration of Local State of Disaster will control. Pursuant to Section 418.108(b) of the Texas Disaster Act, the local state of disaster due to this health emergency issued in this Proclamation shall continue until 1:00 p.m. on April 8, 2020, unless continued, modified or rescinded.

Section 3. Publicity and Filing. Pursuant to Section 418.108(c) of the Texas Disaster Act, this amended proclamation of a local state of disaster due to this health emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

Section 4. Activation of the City Emergency Management Plan. Pursuant to Section 418.108(d) of the Texas Disaster Act, the original proclamation of a local state of disaster due to this health emergency activated the City of Wichita Falls Emergency Management Plan.

Section 5. Prohibited Gatherings. The following are prohibited from being open or taking place anywhere within the City of Wichita Falls. All individuals in Wichita Falls are prohibited from participating in prohibited gatherings:

- (a) Public or private Community Gatherings as defined in Section 8 below.
- (b) Dine-in restaurants, microbreweries, micro-distilleries, and wineries. Said establishments are allowed to remain open so long as they only provide take-out delivery or drive-through services. All individuals who obtain food or beverages from these establishments are required to leave the premises of said establishment within five minutes of receiving their food or beverage. Premises of these establishments includes all indoor and outdoor facilities, including parking lots. Individuals shall not consume food or beverages on the premises of any establishment regulated under this subsection. Truck drivers holding CDL licenses and who are operating a semi-tractor-trailer truck for commercial purposes are exempt from the food requirements of this subsection while they are on the premises of any truck stop or travel center. Said truck drivers are limited to eating only in their semi-trucks while on said premises.
- (c) Indoor recreational facilities, including gyms, health studios; indoor amusement facilities, bowling alleys, adult entertainment dance facilities, pool halls, and theaters (theatres). All individuals within Wichita Falls are prohibited from utilizing the services or facilities of any indoor recreational facility.

- (d) Bars, lounges, taverns, and private clubs that allow for the on-premise consumption of alcohol. All individuals within Wichita Falls are prohibited from utilizing the services or facilities of any establishment governed by this subsection. Individuals shall not consume food or beverages on the premises of any establishment regulated under this subsection.
- (e) Personal Grooming Establishments, including manicuring, pedicuring, facial treatments, cosmetic applications, chemical applications, and massage parlors. This does not include barber shops, hair and styling salons. All individuals within Wichita Falls are prohibited from utilizing the services or facilities of any personal grooming establishment.
- (f) Tattoo establishments, including body piercing, and cosmetic tattooing. All individuals within Wichita Falls are prohibited from utilizing the services or facilities of any tattoo establishment.

Section 6. Protective Control Measures and Facilities. This declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, emergency hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.

Section 7. Reporting of COVID-19 Tests.

- (a) All doctors located in Wichita County ordering COVID-19 testing and all public, private, and commercial laboratories operating within Wichita County and performing COVID-19 testing shall report to the Wichita Falls-Wichita County Public Health District, at 940-761-7803, the following information:
 - 1. report by 3:00 p.m. each day for the prior 24-hour period the number of COVID-19 tests performed;
 - 2. report immediately the number of positive COVID-19 tests; and,
 - 3. report by 3:00 p.m. each day for the prior 24-hour period the number of negative COVID-19 tests.
- (b) This information will be used solely for public health purposes in the County to mitigate and contain the spread of COVID-19.

Section 8. Definitions.

- (a) For purposes of these regulations, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together more than ten (10) persons at the same time in a single room or other single confined or enclosed space, such as an auditorium; theater; stadium (indoor or outdoor); tent; arena or event center; music venue; meeting hall; conference center; large cafeteria; or any other confined indoor or confined outdoor space. All businesses should take all necessary steps to ensure that outdoor gatherings, such as groups of people waiting to enter a business, utilize a six-foot social distancing protocol.
- (b) These regulations also do not prohibit gatherings of people in multiple separate enclosed spaces in a single building, such as a school or office tower, so long as

more than 10 people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where more than 10 people may be present at different times during the day, so long as more than 10 people are not present in the space at the same time.

(c) For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within six feet of one another for extended periods:

1. Spaces where more than 10 persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
2. Office space, government meetings, public and private schools, child care facilities, residential buildings, or any type of temporary sheltering or housing;
3. Grocery stores, farmers' markets, shopping centers or malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within six feet of one another for extended periods;
4. Hospitals, pharmacies, and medical facilities; and,
5. Any location on Sheppard Air Force Base. The Sheppard Air Force Base Installation Commander may define community gatherings for the installation and may implement, in accordance with the authorities inherent in the position and consistent with Federal law and department regulations, measures necessary to ensure mission accomplishment, to ensure good order and discipline, and to maintain the health, safety, and morale of Sheppard Air Force Base personnel.

Section 9. Posting of These Regulations. The owner, manager, or operator of any facility that is likely to be impacted by these regulations is strongly encouraged to post a copy of these regulations visible to users of the facility and provide a copy to any user of the facility asking for a copy.

Section 10. Severability. If any subsection, sentence, clause, phrase, or word of these regulations or any application of them to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of these regulations.

Section 11. Suspension and Modification of Ordinances.

- (a) Any ordinances or regulations that conflict with this amended proclamation are suspended or modified as necessary to make this amended proclamation effective.
- (b) Any ordinance or regulation that imposes an obligation upon the City to bring an application, waiver, or variance to the next available meeting required by ordinance to any board or commission is hereby suspended, including but not limited to the following ordinances:
 1. 7220 – Public hearing and notice for a Conditional Use Permit.
 2. 7325 -- Public hearing and notice for a Variance.
 3. 7430 – Public hearing and notice for Administrative Appeals.
 4. 7525 – Public hearing and notice for Zoning Amendments.
- (c) The following City of Wichita Falls Code of Ordinances are hereby suspended:

1. Chapter 10, Article III. – Shows, Carnivals and Circuses. Transient show permits shall not be issued.
2. Chapter 26, Article III. – Solicitors. Solicitation permits shall not be issued.
3. Chapter 26, Article IV. – Itinerant Merchants. Itinerant merchant permits shall not be issued.

(d) The following are hereby modified:

1. Chapter 22, Article II, Sec. 22-27. – Changes, Section 109.1 Payment of fees shall be modified as follows:
 - a. *The building official shall have the authority to issue a permit without fee and issue an invoice for said permit to be paid at a later date.*
2. Chapter 58, Article IV, Sec. 58-138(c)(1) shall be modified as follows:
 - a. *A manager of operations of a public or semi-public aquatic facility shall obtain certification from the regulatory authority. A manager of operations may obtain certification if a manager of operations has successfully completed a training course conducted by the regulatory authority in the preceding three years.*

(e) Suspension or modification of the ordinances and regulations shall remain in effect until these regulations are terminated or until the state of disaster is terminated, whichever is sooner.

Section 12. Penalties. The Wichita Falls Police Department, Wichita County Sheriff's Office, the Wichita Falls Fire Marshal's Office, and other peace officers are hereby authorized to enforce this order. A violation of this order may be punishable through criminal or civil enforcement. A violation of this order shall be a misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00) or confinement in jail for a term not to exceed 180 days, as authorized by Texas Government Code 418.173. A violation of this order may be enforced by the filing of a probable cause affidavit alleging the criminal violation with the appropriate court or by issuing a citation to the person violating, that contains written notice of the time and place the person must appear before a magistrate of this state, the name and address of the person charged, and the offense charged. Each day a violation exists shall be a separate offense. This declaration also hereby authorizes the use of any other lawfully available enforcement tools.

THE CITY HEREBY DECLARES A LOCAL STATE OF DISASTER WITHIN THE CITY OF WICHITA FALLS to continue until 1:00 p.m. on April 8, 2020.

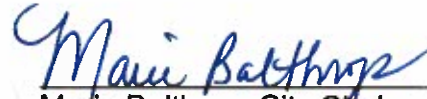
ACCORDINGLY, the March 19, 2020, Proclamation resulted in the activation of the City Emergency Management Plan and the activation of all other charter, statutory, and ordinance powers as vested in the Mayor and all officers of the City of Wichita Falls to act in the premises and for the purposes stated. Prompt and general publicity was thereby proclaimed and ordered as to the issuance of said Proclamation.

ORDERED this 25th day of March, 2020, in the City of Wichita Falls, Wichita County, Texas, by the Wichita Falls City Council, in witness whereof I, as Mayor, hereunto subscribe my name.



Stephen Santellana, Mayor
City of Wichita Falls, Texas

Filed with me, City Clerk Marie Balthrop of the City of Wichita Falls this 25th day of March, 2020, by Mayor Stephen Santellana, who signature I hereby certify is true and genuine, with general publicity of the foregoing Amended Proclamation being put into effect the same date as the signing thereof.



Marie Balthrop, City Clerk
City of Wichita Falls, Texas